

HOUSE BILL 281

By Jones

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 3, Part 6 and Title 41, relative to the department of correction.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 41, Chapter 51, is amended by adding the following language as a new section:

(a) As used in this section:

(1) "Correctional facility" means a facility or institution that houses an inmate population under the jurisdiction of the department;

(2) "Department" means the department of correction; and

(3) "Shift" means a defined, recurring period of time during which a corrections officer is assigned to work.

(b) The department shall present a written report to the judiciary committee of the senate, the civil justice committee of the house of representatives, the state and local government committee of the senate, and the state government committee of the house of representatives by March 1, 2018, and by March 1 each year thereafter, regarding correctional officer staffing levels. The report must include:

(1) Staffing levels for correctional officers at each correctional facility and private contract prison in this state;

(2) Staffing levels for correctional officers for each correctional facility security level; and

(3) A comparison of staffing levels at Tennessee correctional facilities and the national standards for staffing levels adopted by the National Institute of Corrections and the American Correctional Association.

(c) The department shall develop criteria for when a correctional officer may work two (2) consecutive shifts. The criteria must:

- (1) Apply to a seven-day period; and
- (2) Account for facilities of different security levels.

(d) The department, after consulting with employee representatives, shall establish work period and compensation practices that comply with the following standards:

(1) Except as otherwise provided in subdivision (d)(2), a work period may range from seven (7) consecutive days to fourteen (14) consecutive days in length. Overtime pay is required when the number of hours worked in the prescribed work period exceeds the number of hours that are proportional to eighty-five (85) hours worked in a fourteen-day work period;

(2) Correctional officers who work twelve (12) or more hours in one (1) twenty-four hour period receive a shift premium in the amount of one and one-half (1 ½) times their regular rate of pay;

(3) All employees subject to subdivision (d)(1) must be paid every two (2) weeks;

(4) All department employees receive with their paycheck a pay stub that clearly and accurately reflects:

- (A) All hours worked;
- (B) The standard rate of pay;
- (C) The rate of overtime pay;
- (D) The accrual of any paid leave and compensatory time;
- (E) Any remaining paid leave; and

(F) Any compensatory time off;

(5) The department practices create greater flexibility in the staffing of facilities, including, but not limited to, employee shift substitution, voluntary overtime lists, roving, and pool staff coverage; and

(6) All practices must comply with federal wage and hour law.

SECTION 2. Tennessee Code Annotated, Section 4-3-603, is amended by adding the following language as a new subsection:

(c) The commissioner shall establish:

(1) A department-wide, modern, employee-verifiable, secure time-keeping and payroll system; and

(2) Procedures detailing how certified employees are separated or demoted from state service when due to lack of work, lack of funds, or reorganization. The procedures require that consideration be given to performance evaluations of the employees and seniority within the total state service. Employees must have retention rights throughout the department.

SECTION 3. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2017, the public welfare requiring it.